

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG -4 AM 10:20

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan NIETO-Merida,

Defendant

Magistrate Docket No.

08 MJ 2410

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

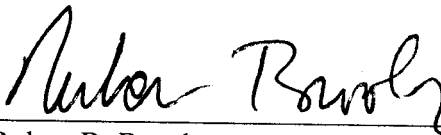
The undersigned complainant, being duly sworn, states:

On or about **August 3, 2008** within the Southern District of California, defendant, **Juan NIETO-Merida**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** DAY OF **AUGUST 2008**Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE*2/3/08
KWH*

CONTINUATION OF COMPLAINT:**Juan NIETO-Merida****PROBABLE CAUSE STATEMENT**

On August 3, 2008, Border Patrol Agent S. Crudale was assigned to line watch duties in the Chula Vista Border Patrol's area of operations. At approximately 7:00 a.m., while utilizing his binoculars, Agent Crudale observed six individuals walking in a northbound direction, east of the area Northeast of the Otay Mesa, California Port of Entry.

Agent Crudale went to the location and approached the individuals. He then identified himself as a United States Border Patrol Agent and questioned each of the subjects as to their citizenship and nationality. All six individuals including one later identified as the defendant **Juan NIETO- Merida**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain legally in the United States. Agent Crudale placed each individual under arrest and had them transported to the Chula Vista Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on July 2, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.